

BALL STATE UNIVERSITY
2011 Campus Security Report
Prepared by the Office of Student Rights and Community Standards
September 28, 2011

The following information is provided as a service to the Ball State University community in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 USC 1092].

The Ball State annual fire safety report can be found at www.bsu.edu/fireandsafetyreports.

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CAMPUS CRIME STATISTICS—Main Campus

	2008				2009				2010			
CRIMINAL OFFENSES*	On-campus	On-campus housing	Non-campus	Public property	On-campus	On-campus housing	Non-campus	Public property	On-campus	On-campus housing	Non-campus	Public property
Murder/non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex offenses (forcible)	1	1	0	0	1	1	0	1	3	3	2	1
Sex offenses (non-forcible)	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	1	0	2	4	2	0	3	4	0	0	2
Aggravated assault	0	0	0	1	1	1	0	9	0	0	1	3
Burglary	17	13	2	0	16	7	2	0	18	14	2	0
Motor vehicle theft	0	0	0	1	1	0	0	0	6	0	0	0
Arson	0	0	1	1	0	0	1	0	1	0	1	0
ARRESTS												
Weapons offense	4	0	0	2	0	0	0	3	0	0	0	1
Drug abuse violations	31	30	0	92	18	18	0	67	71	41	0	67
Liquor law violations	128	60	2	150	77	40	0	267	95	56	1	134
DISCIPLINARY REFERRALS												
Weapons offense	4	4	0	0	3	3	0	0	6	6	0	0
Drug abuse violations	2	2	0	0	1	1	0	0	1	1	0	0
Liquor law violations	514	514	0	0	450	450	0	0	403	395	0	0

No hate crimes are reported in any category of crime reports for the years 2008, 2009, and 2010. Hate crimes are also to be reported when they occur in the form or in conjunction with simple assaults, larceny-theft, intimidation, and destruction/damage/vandalism to property. No hate crimes were reported for 2008-2010 in these categories.

CAMPUS CRIME STATISTICS—Indianapolis Center

	2008			2009			2010		
CRIMINAL OFFENSES*	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property	On-campus	Non-campus	Public property
Murder/non-negligent manslaughter							0	0	0
Negligent manslaughter							0	0	0
Sex offenses (forcible)							0	0	0
Sex offenses (non-forcible)							0	0	0
Robbery							0	0	0
Aggravated assault							0	0	0
Burglary							0	0	0
Motor vehicle theft							0	0	0
Arson							0	0	0
ARRESTS									
Weapons offense							0	0	0
Drug abuse violations							0	0	0
Liquor law violations							0	0	0
DISCIPLINARY REFERRALS									
Weapons offense							0	0	0
Drug abuse violations							0	0	0
Liquor law violations							0	0	0

No hate crimes are reported in any category of crime reports for the year 2010. Hate crimes are also to be reported when they occur in the form or in conjunction with simple assaults, larceny-theft, intimidation, and destruction/damage/vandalism to property. No hate crimes were reported for 2010 in these categories.

The Ball State University Indianapolis Center does not offer on-campus housing. The Center is secured by an alarm system monitored by a security company. In cases of emergencies, Indianapolis/Marion County police respond to 911 calls and alerts from the security company. Center staff members work with Ball State University police as well.

Staff, visitors and students at the Ball State Indianapolis Center are encouraged to report crimes to Indianapolis Center staff members who will assist with reporting to the appropriate police agency.

The Indianapolis Center is open from 8 am-5 pm Monday through Friday. Students in evening and Saturday classes are provided access by personnel on site with secure access privileges.

Maintenance problems related to security are reported to the facility's owner by Indianapolis Center staff.

REPORTING CRIMES AND EMERGENCIES

The Ball State University Department of Public Safety strongly encourages students, faculty, and staff to immediately report crimes, suspected criminal activity, or other emergencies to the University Police.

Emergencies: 911

Non-Emergencies:

- Ball State Police: (765) 285-1111
- Muncie Police: (765) 747-4838
- Delaware County Police: (765) 747-7878
- Indiana State Police: (765) 282-1223

Timely Warnings

When there is an immediate and time-sensitive threat to the campus community, timely warning reports are made simultaneously via the Ball State Web site, e-mail, campus voice mail, and [mobile text messaging](#) (to those who subscribe). The [campus siren](#) may also be used.

Timely warning reports include reports of serious crimes including murder, manslaughter, robbery, arson, aggravated assault, burglary, motor vehicle theft, sex offenses, and hate crimes when they occur in conjunction with previous categories. Information contained in the reports includes:

- Type of criminal activity reported
- Date and time of the incident
- Location of the incident
- A brief description of the offense
- Suspect(s)
- Specific safety response
- Police and emergency telephone numbers
- Issuance and removal dates

This system is used when immediate and specific action by students, faculty, and staff could protect them from imminent danger. This system is also used when classes are canceled or the campus is closed.

The Department of Public Safety is responsible for determining when a timely warning report should be issued and coordinates content with University Marketing and Communications. University Marketing and Communications is responsible for disseminating the timely warning to the campus community.

Ball State University Police makes available to all media upon request all public information related to reported criminal activity on a daily basis for the purposes of public awareness.

Additionally, press releases and crime alerts related to certain specific incidents are posted at www.bsu.edu/news.

Annual Security Report and Disclosure of Crime Statistics

The Office of Student Rights and Community Standards and University Police prepare an annual security report disclosing all crime statistics required by the U.S. Department of Education in compliance with the Clery Act. This report is filed with the Department of Education and is made available to the public at www.bsu.edu/fireandsafetyreports. Ball State crime statistics can also be found <http://ope.ed.gov/Security>. You may also obtain a printed copy by calling or writing to:

Office of Student Rights and Community Standards
Student Center, Room L-4
2000 W University Avenue
Muncie, IN 47306
(765) 285- 5036

or by calling or writing to:

Ball State University Department of Public Safety
Attn: Crime Statistics
200 N. McKinley Avenue
Muncie, IN 47306
Telephone: (765) 285-1222

Ball State University's annual crime statistics include on- and off-campus crimes as defined by the Clery Act that are reported to University Police. Crime reports are also forwarded to Student Rights and Community Standards by the Muncie Police Department, State Excise Police, and other law enforcement agencies through University Police. The crime statistics include disciplinary referrals for alcohol, drug, and weapons law violations made to the following offices and individuals:

- Ball State University Police
- Office of Student Rights and Community Standards
- Office of Housing and Residence Life
- Any other office within the Division of Student Affairs
- Advisors to student organizations
- Director of Intercollegiate Athletics and coaches of intercollegiate athletic teams

Additionally, the Ball State police maintain a crime log that is available to the public. Requests for the crime log can be made to the Records Coordinator at the front desk of the Ball State Department of Public Safety during business hours.

Annual Security Report Preparation

Ball State University's Annual Campus Security Report is the result of the effort of many people on campus. Each year individuals from the aforementioned offices submit data for inclusion in

the annual crime statistics. No formal police report is required for a crime to be included in the statistics. Every effort is made to ensure that all persons required to report in fact do so and that our statistics are as accurate as possible.

If you have any questions or concerns regarding any of the statistics and information in this report, please contact the Office of University Marketing and Communications, Ball State University, Muncie, IN 47306; telephone: (765) 285-1560.

Confidential Reporting

Crimes reported to counselors at the Ball State Counseling and Psychological Services Center, (765) 285-1736, or to staff at the University Health Center, (765) 285-8432, are confidential by law. Some off-campus reports may also be legally confidential, such as reports to a private physician or local counseling services.

Crimes reported to only the above services are not included in the annual crime statistics.

Due to the Open Records Law of the State of Indiana, confidentiality cannot be afforded to persons reporting crimes to individuals or offices that supply crime statistics for this annual report.

BUILDING ACCESS AND MAINTENANCE

Because concern with personal safety and the security of property is shared by all segments of the university community, several practices and policies have been established to ensure as safe a community as possible.

Residence Halls

All nonresidents (guests) must be escorted by a hall resident when in living areas. Residence halls are locked at night and all residents must show student identification for entrance. All doors are locked at 12 a.m. and will re-open at 7 a.m. and a University staff member is present to ensure that only residents and their registered guests are permitted to enter. Staff members conduct daily rounds which include checking security measures and reporting any issues which require maintenance.

Other Campus Facilities

Other campus facilities have specified hours of operation based on their use and the functions they contain. These buildings are secured at closing times. Most academic buildings on campus will be locked at 10 p.m. while most administrative buildings are locked at 5 p.m., though these times will vary. University Police Officers actively patrol the campus in vehicles, on bicycle, and on foot. Buildings are periodically checked by University Police Officers.

Campus Maintenance

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Ball State police regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Other members of the University community are asked to report observed equipment problems to Work Control at 765-285-5081. Additionally, a Public Safety committee comprised of faculty and staff conduct a physical survey of campus two times each year to note and recommend safety and security concerns; a student committee carries out a similar function.

UNIVERSITY POLICE

Ball State University Police, a division of the Department of Public Safety, is headquartered at 200 N. McKinley Ave., Muncie, IN 47306, (765) 285-1111.

By virtue of Indiana Codes 20-12-3.5-1 through 20-12-3.5-6 and 21-39-4-6, Ball State Police officers have full police powers throughout the State of Indiana, including the authority to arrest individuals. The Ball State Police also have mutual aid agreements with the City of Muncie and Delaware County. While the mutual aid agreements do not address the investigation of criminal incidents, the Ball State Police department has its own investigators and can receive and offer assistance to other law enforcement agencies in criminal investigations.

Ball State police officers enforce all state and local laws, including underage drinking, controlled substances, crimes against property, and crimes against persons. University Police works cooperatively with local, county, and state law enforcement agencies.

University Police also works closely with the Office of Student Rights and Community Standards and the Office of Housing and Residential Life to enforce the Code of Student Rights and Responsibilities (see <http://www.bsu.edu/studentcode>).

REPORTING A CRIME

All crimes or suspected crimes on campus should be reported immediately to University Police. Crimes occurring off campus can also be reported to University Police or to the Muncie Police Department, the Delaware County Police, or the Indiana State Police, depending upon where the incident occurred.

Emergencies: 911

Non-Emergencies:

- Ball State Police: (765) 285-1111
- Muncie Police: (765) 747-4838
- Delaware County Police: (765) 747-7878
- Indiana State Police: (765) 282-1223

In response to a call, Ball State police will take the required action, either by dispatching an officer to the caller's location or asking the caller to report to the Ball State police station to file an incident report. Ball State police reports involving students are referred to the Office of

Student Rights and Community Standards for potential action, as appropriate. Ball State police investigators will investigate a report when it is deemed appropriate.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Complete emergency response guidelines for various types of emergencies are disseminated to employees each fall. These are available on line at www.bsu.edu/prepared.

Emergency Notification

Emergency Notifications are delivered simultaneously via the university web site, e-mail, campus voicemail, and mobile text messages (to those who subscribe) when there is an immediate threat to the campus community. The system is used when **immediate and specific action** of students, faculty, and staff is likely to protect them from imminent danger. This system is also used when classes are cancelled or the campus is closed. Visit <http://www.bsu.edu/commcenter> and select "manage emergency notifications" to subscribe to emergency text messaging.

Severe Weather

Please note the unique nature of severe weather. Weather notifications have a very short timeframe and severe storms are often difficult to predict precisely. As a result, the Ball State emergency notification system WILL NOT be used to alert the campus about severe weather watches, warnings, or tornadoes. **The university will rely on the most effective methods of notification for severe weather: the three campus sirens and announcements on local TV and radio stations.** In addition to those, you may want to explore free alert services such as:

- The Weather Channel <http://www.weather.com/mobile/customtextmessaging.html>
- EmergencyEmail.org www.emergencyemail.org

In the case of an emergency on campus:

- In the case of an emergency on campus, the emergency warning sirens will emit a continuous three-minute sound warning.
- The siren is used to alert the public to impending weather emergencies, as well as hazardous material spills, national threats, and safety emergencies.
- If you hear the siren, take cover inside. Tune into your local radio or television station for further instructions and visit the [Ball State Web site](#). If you cannot get to a radio or television, initiate tornado protection procedures as this is the most likely reason for the siren to sound.
- The siren does not sound for the entire duration of the emergency. Do not assume that the danger has passed when the siren stops sounding.

Opt-in Text Messaging

- Ball State offers an opt-in text message service that enables students, faculty, and staff to sign up to receive emergency information from the university via their cell phones.
- To subscribe to this service, go to www.bsu.edu/commcenter and select "manage emergency notifications."

Assessing Emergencies

The Department of Public Safety is responsible for determining when an emergency exists, which segments of the campus to notify, and through which means, as well coordinating with University Marketing and Communications on the content of any messages. When a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and employees is confirmed to exist, the public safety department will take into account the safety of the community; determine what information to release; and begin the notification process without delay unless, in the professional judgment of responsible authorities, such notification will compromise efforts to assist a victim, respond to the emergency, or contain or mitigate the emergency.

The entire campus will be notified when the potential exists for the majority of the community to be affected by an emergency situation, or when a situation threatens the operation of the campus as a whole. If the threat is limited to a segment of the population, notification may be limited to that segment, but additional segments of the population will be notified as assessment of the situation reveals a need to do so. Once the campus community has been notified, University Marketing and Communications will notify the neighboring community by updating local media outlets.

The university has two modes of communication: **Public Safety Notices** are sent when information may benefit the campus community to help raise awareness, mitigate rumors, and convey official information. They are sent when no immediate action is necessary. **Emergency Notifications** are sent when there is imminent danger on campus and immediate and specific actions can improve safety. When the safety of the campus community is in jeopardy, clear and quick communication is the university's top priority. The goal of the communication is to first preserve human safety.

Responsible Staff

Director of Public Safety
Associate Vice President for Marketing and Communications
Vice President for Student Affairs & Dean of Students
Associate Vice President for Student Affairs & Director of Housing & Residence Life
Associate Vice President for Facilities Planning and Management
Residence Hall Directors

Dissemination of Information

Once it has been determined that an imminent danger situation exists, the Emergency Notification System is activated. Information—including safety instructions for students, faculty, and staff—will be made available to the campus community through e-mail, opt-in text messaging, voice mail, the [Ball State Web site](#), and local radio and TV stations. University Marketing and Communications is the only campus office authorized to disseminate official information about campus emergencies to the campus community. Updated information about the situation will be posted on the Ball State Web site (www.bsu.edu) as available.

Testing Procedures

The university tests its emergency notification protocol and technical systems no fewer than three times per year. The university conducts emergency response exercises each year, such as table top exercise, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

Evacuation

To be prepared for an emergency, Ball State community members are expected to recognize the sound of the evacuation alarm, know at least two ways out of the building from regular workspace, and know the predetermined meeting location for their units as appropriate.

When Ball State community members hear the evacuation alarm or are verbally instructed to begin evacuating a building, they should

1. Try to make sure that all members of their departments or units hear the alarm and evacuate the area by quickly checking nearby restrooms, copier rooms, storage rooms, etc., as you exit.
2. Use the nearest stairway. Do not use the elevator.
3. If requested, accompany and assist persons with disabilities.
4. Shut all doors behind them. Closed doors can slow the spread of fire, smoke, and water.
5. Evacuate as quickly as possible but in an orderly manner. Do not push or shove.
6. Once outside, move at least 100 feet from the building or follow the instructions of emergency personnel on the scene. Stay away from building entrances to avoid interfering with emergency personnel or equipment.

SAFETY AWARENESS AND CRIME PREVENTION PROGRAMS

At the beginning of each academic year, University employees are sent a letter informing them of safety procedures, emergency communication, responding to emergencies and helping students in distress. The letter includes highlighted safety information, directs employees to the University website www.bsu.edu/prepared, and is accompanied by a printed version of emergency response guidelines to keep close to office telephones. Guidelines encourage employees to be responsible for their own and others' safety and provide information on how best to keep safe in various situations.

Students are notified by similar materials distributed through residence halls. In addition, articles in the student newspaper (the Daily News) regarding safety and crime prevention are initiated by University police.

Emergency phones have been placed throughout the campus to aid in the reporting of crimes or other emergencies.

A campus escort service has been established to provide the community with safe campus transportation to and from university buildings. The Campus Escort Service can be reached at (765) 285-5005, 6 p.m. to 3:30 a.m., Sunday thru Thursday.

University Police conduct Rape Aggression Defense (RAD) courses throughout the year. Learn more at www.bsu.edu/publicsafety/prevention.html.

Security awareness and crime prevention presentations relating to personal safety and the safeguarding of one's property are offered to the entire university community through the University Police Department. Thousands of students take advantage of these programs each year. Individuals or student organizations interested in obtaining a program presenter should contact Public Safety at (765) 285-3009.

In cooperation with the Office of Housing and Residence Life, University Police assist with the after-hours security of all residence halls.

The Office of Student Rights and Community Standards is responsible for administering the *Code of Student Rights and Responsibilities* (published at www.bsu.edu/studentcode), which outlines the rights and responsibilities of students, behaviors prohibited on and off campus, sanctions, and the procedural rights of students and student organizations. Any person, agency, organization, or entity may make a complaint to the Office of Student Rights and Community Standards alleging a violation of the *Code of Student Rights and Responsibilities*. In addition, any criminal offense may be reported to the Office of Student Rights and Community Standards, which in turn will be reported to the appropriate law enforcement agency. The Office of Student Rights and Community Standards is located in the Student Center, room L-4; telephone: 765-285-5036.

OFF-CAMPUS STUDENT CRIMINAL ACTIVITY

When a Ball State University student is involved in an off-campus criminal offense, or when criminal activity occurs at off-campus housing facilities operated by recognized student organizations, University Police may conduct a criminal investigation or assist in criminal investigations conducted by other law enforcement agencies. University Police officers patrol residential and business areas surrounding the campus but also have full police powers throughout Muncie and Delaware County. Students cited or arrested for off-campus criminal activity in the Muncie area, if identified as students, are routinely reported to Student Rights and Community Standards for adjudication under the *Code of Student Rights and Responsibilities*.

MISSING STUDENT NOTIFICATION POLICY

This policy is established by Ball State University, in compliance with the Higher Education Opportunity Act of 2008, to provide students with procedures and information for reporting a missing person. The policy applies specifically to students who reside in University-owned housing facilities.

Confidential Contact Person

Resident students 18 years of age or older and emancipated minors have the option, upon moving into the residence hall, to identify a specific contact person who will be notified within 24 hours if that student has been reported missing. The identity of that contact person will remain

confidential with the exception of law enforcement and staff designated to respond to missing person reports.

For resident students under the age of 18 and not emancipated, the University is required to notify a custodial parent or guardian within 24 hours of the time a student is reported missing.

Notification Procedures for Missing Persons

If a student is believed to be missing, *defined as an individual who has not been seen or heard from for 24 hours or more and whose whereabouts is unknown*, a report should be made to one of the following:

- Residence Hall Director
- Assistant Residence Hall Director
- University Police

When report is made to residence hall staff, University Police will be contacted immediately and staff will work with University Police. Cooperative efforts may include:

- Welfare check of the missing student's residence hall room
- Contact attempts via cell phone, email or other means
- Identification of and contact with other individuals who may have knowledge of the missing student's whereabouts

University Police will gather all essential information related to the missing person and conduct a thorough investigation. No later than 24 hours after the missing person report is first received, University Police will notify the individual's designated contact or (for persons under 18 years of age and not emancipated) the subject's parent or guardian to inform them that the resident student is believed to be missing.

Regardless of the student's age, emancipation status or whether the student has designated a contact person, University police will, within 24 hours of the report, notify the local law enforcement agency with jurisdiction in the area where the student is missing.

All inquiries by the media or the general public regarding missing persons will be referred to University Marketing and Communications. All public statements will be coordinated through that office.

Notification Procedures for Missing Persons Living Off Campus

Upon notification from any person that a Ball State University student may be missing, the university staff member receiving the information should refer the matter immediately to Ball State University Police at 765-285-1111.

Officers will respond to reports of missing students in a timely manner. It is the policy of the Ball State University Police Department to thoroughly investigate reports of all missing persons.

ALCOHOL POLICY

Additional information about drugs and alcohol may be found at Ball State's [Safe And Drug-Free Campus](#) website and at <http://www.bsu.edu/AlcoholAwareness>.

The following policy appears in the *Code of Student Rights and Responsibilities* in Appendix A:

When students choose to consume alcoholic beverages, Ball State University encourages responsible practices and behavior in accordance with campus policies, the laws of the State of Indiana and the City of Muncie. Violation of University policy and local and state laws related to alcohol on or off campus will result in disciplinary action.

A. General Guidelines

1. *University Sponsored Events*- Illegal purchase, service, consumption, or possession of alcoholic beverages at any University-sponsored event on or off campus is prohibited. Upholding applicable local, state, and federal laws in connection with this policy is the joint responsibility of the persons in attendance at the activity, the sponsoring organization, and the management of the establishment in which the activity is held.
2. Illegal purchase, consumption, or possession of alcoholic beverages by any student less than 21 years of age is prohibited wherever it may occur.
3. Providing alcoholic beverages at any time to an individual who is under 21 years of age is strictly prohibited.
4. Adverse behavior as a result of alcohol consumption, including disruption, disorderly conduct, and public intoxication shall be a violation of the Student Code.
5. The sale of alcoholic beverages by any person without a license is strictly prohibited.
6. Students found responsible for providing alcohol to minors and selling or distributing alcohol in violation of state law shall be in violation of the student code.
7. Students hosting parties where alcohol is provided to minors, provided in excess to others, or otherwise distributed in violation of the law are subject to sanctions outlined in the *Code of Student Rights and Responsibilities* up to and including suspension or expulsion from the University.

B. On Campus - With respect to the service, possession or consumption of alcoholic beverages on the Ball State University campus, state statutes and city ordinances will be enforced in addition to the following regulations:

1. Residents who are of legal age to possess or consume alcoholic beverages and who reside in University-operated employee or University Apartment units may possess and consume such alcoholic beverages in the privacy of their residences.
2. Consumption and possession of alcohol may be permitted on some residence hall floors where all residents are of legal age to possess or consume alcoholic beverages. Such use of alcoholic beverages will not be permitted in the public lounges, study lounges, recreation areas, dining rooms, or any area other than the student rooms.

C. Parental Notice: The University will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a second violation of the alcohol policy, and (3) on the first violation of the alcohol policy when one or more of the following occurs:

- the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- medical attention to any person, including the student, is required as a result of the student's alcohol related behavior;
- there is property damage;
- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;
- the student's alcohol-related behavior negatively impacts the learning environment.

Laws Concerning Drinking or Serving Alcohol

The summary below is intended to provide an overview of some of the sections most relevant to University students. It is not intended as a substitute for professional legal advice. Those needing legal advice should consult an attorney.

Alcohol Use by Persons Under the Age of 21

Indiana alcoholic beverages laws define the term "minor" as "a person less than twenty-one (21) years of age." Under Indiana Law, it is illegal for a minor:

- To possess an alcoholic beverage (even to hold a sealed container for another person).
- To consume an alcoholic beverage.
- To misrepresent his or her age for the purpose of obtaining alcoholic beverages.
- To furnish false or altered identification of any type for purpose of providing evidence of age to obtain alcohol.
- To have his or her possession false or fraudulent evidence of age.
- To drive an automobile being used to transport alcoholic beverages, unless the minor's parent or legal guardian is present in the car. (Note: When a minor operates a motor vehicle containing ANY alcoholic beverages she/he is subject to arrest, unless a parent or legal guardian is in the car. A 21 year-old-friend does NOT qualify a minor to operate a vehicle containing an alcoholic beverage. It is no defense that the beverage belongs to someone else or that is unopened.)
- To "be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished."

Criminal sanctions for such violations include a fine of up to \$500 and/or imprisonment in a local jail for up to 60 days. In addition to the criminal sanctions, Indiana law mandates a 90 day to one year driver's license suspension for any minor who is convicted of using any type of fake ID, or of entering a bar or tavern or purchasing or procuring an alcoholic beverage (with or without using false or altered driver's license). Under certain circumstances, local prosecutors have used the "criminal code," rather than the "alcoholic beverage code," to prosecute users of fake ID's. Class A misdemeanor charges of "deception" and class C felony charges of "forgery" have sometimes been filed. Also under a new federal law, possession or use of fake or altered driver's licenses or state or federal ID cards can be punishable by a fine up to \$25,000 and/or a five year jail term!

General Alcohol Laws (these apply to all persons regardless of age):

It is illegal:

- To be in a public place in a state of intoxication (also known as "public intoxication").
- To sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor.
- To sell, barter, deliver, or give away an alcoholic beverage to a person who is intoxicated.
- To sell, barter, exchange, give, provide, or furnish an alcoholic beverage to a person known to be an alcohol abuser.
- To hinder, obstruct, interfere with, or prevent the observance or enforcement of the Indiana Alcohol Beverage Code. For a person 21 years of age or over to encourage, aid, or induce a minor to unlawfully possess or use an alcoholic beverage.
- To take an alcoholic beverage into bar, restaurant, or place of public entertainment. (Indiana Law prohibits patrons from taking any alcoholic beverage into any bar or other place without liquor license. It also prohibits taking liquor into any restaurant or place of public entertainment.)
- To possess alcoholic beverages on which Indiana tax has been unpaid or to transport untaxed beverages into the state.
- To directly or indirectly charge for alcoholic beverages without a license (including charging for food, entertainment, cups, napkins, tokens, etc. where alcoholic beverages are distributed-there are no loopholes). (NOTE: A one-day temporary permit is easily obtained. This permit allows you to charge for beer or wine but also allows police inspection of the premises without a warrant. Rules on minors, intoxicated guests, etc., would still apply.)

Criminal sanctions for such violations include a fine of up to \$1,000 and/or imprisonment in a local jail for up to six months.

Alcohol or Other Drug Impaired Driving

It is illegal:

- To operate a motor vehicle while intoxicated (under the influence of alcohol, any controlled substance, any other drug, or any combination of alcohol, controlled substances, and other drugs).
- To operate a motor vehicle with 0.08% or more alcohol in the blood, even if intoxication is not proven.
- To operate a motor vehicle while intoxicated or with 0.08% or more alcohol in the blood if said operation results in serious bodily injury to another person.(FELONY)
- To operate a motor vehicle while intoxicated or with 0.08% or more alcohol in the blood if said operation results in the death of another person. (FELONY)

Indiana law states that anyone operating a motor vehicle within the state gives "implied consent" to submit to a chemical test of intoxication (breath, blood, or urine). Failure to submit to the test may be presented as evidence against the driver in court and will result in a longer driver's license suspension than if the driver took the test and failed it. The courts have ruled that failure to cooperate with a test will constitute refusal in the eyes of the court. (NOTE: It is illegal to drive a car while impaired - even at blood alcohol levels below 0.08!) Criminal sanctions for such violations include fines and imprisonment, license suspensions, and can include mandatory education or treatment programs.

Parties, Permits, and "Common Nuisances"

Indiana law requires a license to "...Ship, barter, give away, exchange, furnish, or otherwise handle or dispose of an alcoholic beverage..." (except to give it to a family member or invited guest who is of legal age). This has been interpreted to mean that it is all right to serve over-21 friends a beer or two but one may not sell it or receive anything of value in exchange for it. If a party gets larger than "invited guests," or if admission is charged (or "donations" accepted), a temporary permit is required. Without a permit, one can be charged with

- Serving alcohol without a permit (a class B misdemeanor) or
- Maintaining a common nuisance (a class D felony)

Social Host Liability

Under civil law in Indiana, the host of a party might be sued for damage caused by a guest who was served alcohol negligently. Negligence is determined by juries, so it is hard to predict, but the following steps will reduce liability for negligent serving of alcohol: enforce state laws and don't serve minors or intoxicated people; limit consumption to reasonable levels and provide safe rides or a place for intoxicated people to stay until they are sober; avoid high risk activities like drunk driving. Use common sense.

A Caution for Guests...

Even non-drinking guests at parties where alcohol is being served could be at risk for an arrest or conviction. It is a crime to "visit a common nuisance" (i.e. an unlicensed big party). Minors could also be charged with "constructive possession" of alcohol if they are close enough to alcohol that it is "within their dominion for control."

DRUG POLICY

The use, possession, sale, or transfer of narcotics, drugs or hallucinogens is prohibited on campus, except as permitted by law. The following policy appears in the *Code of Student Rights and Responsibilities* in 5.3.3:

Drugs - Using, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs, or prescription drugs, except as expressly permitted by law, or possessing drug paraphernalia which can be demonstrated to be linked to illegal drug activity.

The University will notify parents/guardians of students under 21 years of age when a student is found responsible for (1) a violation of the drug policy, (2) a second violation of the alcohol policy, and (3) on the first violation of the alcohol policy when one or more of the following occurs:

- the student demonstrates a reckless disregard for his or her personal safety or the safety of others;
- medical attention to any person, including the student, is required as a result of the student's alcohol related behavior;
- there is property damage;
- the student operates a motor vehicle under the influence of alcohol;
- the incident involves another serious violation;
- the student's alcohol-related behavior negatively impacts the learning environment.

The summary below is intended to provide an overview of some of the sections relevant to university students. It is not intended as a substitute for professional legal advice. Those needing legal advice should consult an attorney.

Laws Concerning Controlled Substances

Controlled Substances

"Controlled Substances" are regulated drugs that have been determined to have special "abuse potential." Such drugs include; marijuana, hashish or hash oil, cocaine, LSD and other hallucinogens, barbiturates and other sedative-hypnotics, amphetamines and other prescription stimulants, MDMA (Ecstasy), PCP, and similar drugs. It is illegal under both state and federal to:

- Manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.
- Deal in a substance represented to be a controlled substance (including counterfeit, "look-alike" drugs).
- Manufacture, advertise, distribute, or possess with intent to manufacture, advertise or distribute a substance represented to be a controlled substance.
- Possess, without a valid prescription, a controlled substance.
- Visit a building, structure, vehicle, or other place used by person to unlawfully use a controlled substance.
- Possess, manufacture, deal in, or deliver drug paraphernalia (an instrument, device, or other object intended for use for introducing a controlled substance into a body or for enhancing the effect or testing a controlled substance).

Criminal sanctions for such violations can include fines from \$5,000 to \$10,000 under state law and up to \$25,000 under federal law, and imprisonment in a state prison for up to 50 years or in a federal prison for up to life. The sanction imposed will be determined by; (1) the classification of the controlled substance, (2) the quantity involved, (3) the nature of the offense (sale, use, etc.), (4) the age of the recipient (higher penalties for possession, sale or delivery near a school, etc.), and (5) the prior criminal record of the offender. More detailed information may be obtained by consulting the Indiana Criminal Code or the Federal Controlled Substances Act, as amended.

Anabolic Steroid

Under Indiana law, it is a criminal offense to manufacture, deliver, possess, or use an anabolic steroid without a valid and legal prescription. It is illegal for a physician or other licensed practitioner to issue a prescription for an anabolic steroid for enhancing performance in an exercise, sport, or game, or to increase muscle mass, strength, or weight without a medical necessity. Criminal sanctions for such violations can include fines and/or imprisonment. More detailed information may be obtained by consulting the Indiana Code.

Tobacco Under Indiana Law

It is illegal for a person under the age of 18 to purchase or possess tobacco, and it is illegal to sell tobacco to a person under the age of 18. A person purchasing a tobacco product must have proper identification for proof of age. A fine of up to \$500 may be imposed for such violations. Indiana law also prohibits smoking in public buildings (including all BSU properties), except in

designated smoking areas and private residence rooms. A fine up to \$500 may be imposed for such violations.

Pell Grant Award Recipients

All students who receive Pell Grant awards are required to sign a certification and compliance statement, which is a part of the Ball State University financial aid application form. As a condition of the Pell Grant, the student agrees not to engage in the unlawful manufacture, distribution, possession or use of a controlled substance during the period covered by the grant. Violation of this agreement will lead to the cancellation of the grant. Under Federal regulations, all Pell Grant recipients have to remain drug-free (on and off campus) throughout the grant period or lose funds.

Campus Resources for Alcohol and Other Drug Information

In addition to the information below, campus resources for alcohol and other drugs can be found at the [Alcohol Awareness](#) and the [Safe And Drug Free Campus](#) websites. These are regularly advertised in the student campus newspaper.

Health, Alcohol and Drug Education

The Alcohol/Drug Education Program is a part of Health, Alcohol and Drug Education located in the Student Health Center. This office provides a wealth of information as well as alcohol and drug abuse consultation and assessments for students. There are several individual and group programs available to students who want to learn more about how alcohol and other drug use is impacting their lives and how they can monitor their behavior.

Counseling Center

The Counseling Center provides a variety of support assessment services which are designed to educate and enhance awareness of students in the area of chemical dependence.

Fisher Institute for Wellness & Gerontology

The Fisher Institute for Wellness & Gerontology is designed to respond to a variety of life-style issues. Some of the work of the Institute in this area is designed to provide quality alcohol and drug information to members of the University community.

Academic Department Courses

A number of academic departments offer courses and other opportunities for students to study the complex issues of drug abuse, the impact of society, as well as to prepare for careers in alcohol and drug counseling, patient care, and other related fields. The following units offer such courses and programs:

- Department of Physiology and Health Science
- School of Physical Education
- Department of Family and Consumer Sciences
- School of Nursing
- Department of Sociology
- Department of Counseling Psychology and Guidance Services

SEXUAL ASSAULT

Sexual Assault Prevention Programs

Numerous programs and printed materials are offered to the university community relating to sexual assault awareness, personal safety and prevention of sexual assault. Programs include information on procedures concerning who should be contacted, the importance of preserving evidence for the prosecution of a criminal offense, and to whom the alleged offense should be reported. University Police offers a 12-hour RAD (Rape Aggression Defense) program free of charge. The Calendar of Events Handbook, available at the University bookstore, provides detailed information on responding to victims of sexual assault. It lists all the available resources for victims in need of counseling, medical attention, and emergency shelter. This information is available on-line at the websites for Student Rights & Community Standards and Office of Victim Services.

Reporting Sexual Assault

Victims of sexual assault are strongly encouraged to report the incident to the University Police at (765) 285-1111. Off-campus incidents should be reported to either University Police or the Muncie Police Department at (765) 747-4838. It is important to preserve physical evidence that may be needed for investigation and prosecution: the victim should not change clothes or otherwise cleanse her/himself before going to a hospital. If the victim is reluctant to contact the police initially, she/he should still seek treatment at a hospital to preserve evidence and address any health concerns.

Notifying the Police/Assistance from the University

Students who have been sexually assaulted always have the option of reporting the incident to the police. Ball State University will provide whatever assistance the victim needs in notifying the police. On-campus assaults should be reported to University Police at (765) 285-1111. Off-campus incidents should be reported to either University Police or the Muncie Police Department at (765) 747-4838. In all cases, emergency assistance can be reached by calling 911.

If the victim does not wish to prosecute the offender or report the offense to the police, she/he can still file a report with the Office of Student Rights and Community Standards, provided the offender is a student. A disciplinary review will be initiated under procedures outlined in the *Code of Student Rights and Responsibilities*.

Ball State University fully supports the *Campus Sexual Assault Victim's Bill of Rights* which can be found at www.bsu.edu/sa/srcs/sexassault. Included in the *Campus Sexual Assault Victim's Bill of Rights* are such principles as:

- Every effort will be made to accommodate a victim's preference as to the gender of the reporting officer.
- Every victim will be treated with respect and sensitivity.
- Every case will be taken seriously and thoroughly investigated regardless of the victim's gender or the gender of the assailant.

- The police will assist the victim in obtaining necessary medical attention and counseling, and will continue to assist victims as they proceed through the legal system.

Victim's Services

On-Campus Assistance

- Office of Victim Services (765) 285-7844
The Office of Victim Services provides an advocate for 24-hour availability to respond to the hospital or neutral location when requested. The program is designed to assist individuals in the recovery process by providing timely information and confidential support and guidance through the campus judiciary and criminal justice systems.
- Counseling Center (765) 285-1736 or after hours (765) 747-7330

Off-Campus Assistance (24 hour availability)

- Muncie Police Department Victim Advocate Program: (765) 747-4777
- A Better Way (765) 747-9107 (A Better Way is the local domestic violence shelter)

Changing a Victim's Academic and Living Conditions

Ball State University will make changes in a victim's academic and on-campus living conditions if requested by the victim and when other options are reasonably available.

University Disciplinary Procedures

The student conduct regulations are detailed within the *Code of Students Rights and Responsibilities (Code)* on-line at www.bsu.edu/studentcode. The *Code* states the rights and responsibilities of students including procedural rights of students and student organizations and the range of sanctions that can be imposed for violations of the *Code*.

The policy on sexual misconduct is found in Section V of the *Code of Student Rights and Responsibilities* which provides:

5.1.5 Sexual Misconduct: Sexual intercourse or sexual touching, however slight, by one person upon another without effective consent or when it involves compelling a person to submit to such conduct by force, threat of force, use of intoxicants to impair a victim's ability to give consent or otherwise taking advantage of any impairment which might render a person incapable of making a reasonable or rational decision about sexual activity. As defined by the State of Indiana, sexual misconduct also includes any sexual act when the person is not of legal age. *See also Sexual Misconduct Policy, Appendix I.*

The procedures, policies and sanctions outlined in the *Code of Students Rights and Responsibilities* apply to all violations of the *Code* including sexual misconduct violations.

Decisions are made based on a preponderance of evidence (Decision-making, Section 6.1.4)

As outlined in Section 6.5.6, Procedures for Disciplinary Hearings, the accused student and the accuser are allowed the same opportunities to present evidence and have others present during a disciplinary proceeding. Both accused and accusing student are informed of the outcome of a disciplinary proceeding alleging a sex offense or crime of violence within (5) school days after the conclusion of the hearing. This compliance does not constitute a violation of the Family Educational Rights and Privacy Act.

The university, following a final determination of a disciplinary proceeding against a student for sexual assault, may impose sanctions including but limited to disciplinary probation, suspension, and expulsion (Section 6.6 of the Code).

Upon written request, Ball State will disclose to the alleged victim of a crime of violence or a non-forcible offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime. If the alleged victim is deceased as the result of such crime or offense, the next of kin of the alleged victim will be treated as the alleged victim.

Prosecution – Ball State strongly encourages survivors of rape/sexual assault to seek prosecution of the assailant under criminal law as well as filing a complaint under the *Code of Student Rights and Responsibilities*.

For further information on the *Code of Students Rights and Responsibilities*, contact the Office of Student Rights and Community Standards located in the Student Center, room 224; telephone: (765) 285-5036.

REGISTERED SEX OFFENDER INFORMATION

Information regarding registered sex offenders may be obtained from the Department of Public Safety by contacting the University Police. Indiana's Sex and Violent Offender Registry is located online at www.insor.org/insasoweb/ and is updated by the Criminal Justice Institute.